REMARKS/ARGUMENTS

Applicant has amended claims 1, 4, 18 and 22. Claims 1-6, 8-12, 18, 20-22 and 24-26 remain in this application. Applicant requests reconsideration of this application in view of the above amendments and the following remarks and arguments.

Claim rejections -35 USC § 103

The Examiner has rejected claims 1-6, 8, 11-12, 18-22 and 24-26 under 35 U.S.C. 103 (a) as being unpatentable over Yang (US 6,069,877) in view of Brezak et al. (US 2002/0150253). Applicant disagrees with the Examiner's opinion and traverses the rejections.

To establish a *prima facie* case of obviousness, and hence to find claims 1-6, 8, 11-12, 18-22 and 24-26 unpatentable under 35 U.S.C. § 103(a) over the combination of Yang and Brezak, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not be based upon Applicant's disclosure. MPEP at § 2142.

In the present case, all three criteria are not met. There is no suggestion or motivation to modify or combine the references. Even if there was a suggestion or motivation to modify or combine the references, there is no expectation of success. Finally, the prior art references do not teach or suggest all of the claim limitations.

In the Office Action dated 28 September 2006, the Examiner states "[a]s per claim 1: Yang discloses a method for detecting clones (unauthorized duplicate identities) of the client, the method comprising: forwarding a first signal from a client, the first signal for requesting access to a server... verifying that the client is authorized to access the server... receiving a second signal from an entity, the second signal for requesting access to the server, wherein the entity has identifying information identical to the client... and if the second request is received prior to the expiration of the time T, either

marking the entity as a possible clone or denying the request in order to prevent access to the server...." Office Action, page 2-3. Further, the Examiner finds that Yang fails to describe "a KDC and transmitting an authentication token including an encrypted session key from the KDC to the client" and finds such description in Brezak. Office Action, page 3. Applicant agrees that Yang fails to describe a claimed limitation.

In addition, Applicant notes that the Examiner is incorrect in his interpretation of Yang. Yang discloses a network cellular communication system where a mobile communication unit in the network attempts to register to the network and the network determines whether the mobile communication unit is already registered to the network by comparing identification codes. Specifically, if the identification code of the mobile attempting to register is a duplicate to an identification code of a mobile communication unit already registered to the network, the network refuses registration of the mobile communication unit attempting to register. Yang, col.3, lines 1-6. Yang fails to describe that the attempt can be received at any time from a mobile communication unit that wants to register to the network. Id. Thus, it is clear that the there is no restriction as to when the attempt to register may be received by the network.

In contrast, even prior to this amendment Applicant's claims required that a request for access be "received prior to ... *expiration of [a] time T*" and "marking the entity as a possible clone or denying the ... request in order to prevent access to the server." As just mentioned, Yang specifically makes no restriction as to when the attempt to register is received by the network. Thus, Yang does not disclose Applicant's claim to receiving a request "prior to ... expiration of the time T." Because Yang does not disclose a claimed limitation, the Examiner was incorrect in his rejection of Applicant's claims requiring such a limitation.

In any case, Applicant has amended the claims to more clearly describe the invention. Applicant has amended independent claim 1 to require "receiving a second signal from an entity *prior to the expiration of the time T.*" Similarly claim 4 has been amended to require "receiving a second request *during time T.*" Claim 18 has been amended to require "receiving from an entity, a second request *during the time duration T*" and claim 22 has been amended to require "receiving a request *during time T.*" Such amendments clarify that "the second request" be received "prior to expiration of time T,"

8

"during time T" and "during a time duration T." As just mentioned, Yang's network does not take into account *time* of the mobile communication unit's attempt to register. Because Yang does not describe such limitations, Yang is an improper basis for rejecting Applicant's claims. Because Yang is an improper basis for rejecting Applicant's claims, Yang in combination with Brezak is an improper basis for rejecting Applicant's claims.

Notwithstanding the missing limitations, there must be a suggestion or motivation in the references themselves or to one of ordinary skill in the art to combine the references. MPEP § 2142. In this case, the Examiner states that "it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Yang with Brezak in order to protect the integrity of computer systems and the confidentiality of important data and prevent unauthorized users and malicious attackers from gaining access to computer resources." Office Action, page 4. As just mentioned, Yang discloses "a network cellular communication system." Yang, col.1, lines 5-7. In contrast, Brezak discloses authentication of messages in a client/server computing environment (e.g. a local area network (LAN) of physically connected computers 130, 182). Brezak, paragraphs 1, 21-22, 30-33. There is no suggestion or motivation in Yang for adding authentication unique to a client/server computing environment to the network cellular communication system. Similarly, there is no suggestion or motivation in Brezak to cover a network cellular communication system with its unique authentication messages. Thus, Applicant disagrees with the Examiner's opinion that a person of ordinary skill in the art would combine Yang with Brezak. Because there is no suggestion or motivation in the references themselves or to one of ordinary skill in the art to combine the references, Yang in combination with Brezak is an improper basis for rejecting Applicant's claims.

Further, even though claimed limitations are missing from the cited references and even though there is no suggestion or motivation to combine the cited references, there must be a reasonable expectation of success to modify or combine the prior art to reject claims as prima facie obvious. MPEP § 2143.02. As just described, Yang discloses network cellular communication technology and Brezak discloses authentication in a client/server computing environment technology. As is known to one of ordinary skill in the art, adding the authentication message of Brezak (e.g. messages

9

shown in Brezak's Figures 4-7) to network cellular communication technology requires reliability that a network cellular communication lacks. Such reliability is not described by Brezak. Thus, there is no reasonable expectation of success in combining or modifying the teachings of Yang and Brezak to achieve Applicant's claimed invention. Thus, a rejection of claims 1, 4, 18 and 22 under 35 U.S.C. 103(a) over the combination of Yang and Brezak is improper and should be withdrawn. As such, the claims should proceed to allowance.

The Examiner also rejected claims 9-10 under 35 U.S.C. 103 (a) as being unpatentable over Yang (US 6,069,877) in view of Brezak et al. (US 2002/0150253) further in view of Tung et al. Given that the combination of Yang and Brezak fails to disclose Applicant's claims, the combination with Tung also fails to provide any additional support for the rejection. Reconsideration of the rejection of claims 9-10 is requested. Regarding claims 2-3, 5-6, 8-12, 20-21, and 24-26, it is noted that these claims add limitations to what is believed to be allowable claims, namely independent claims 1, 4, 18 and 22. Thus, a rejection of claims 2-3, 5-6, 8-12, 20-21, and 24-26 under 35 U.S.C. 103(a) is improper and should be withdrawn. As such, the claims should proceed to allowance.

The Applicant believes that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicant.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Dated: January 31, 2007   Respectfully submitted,

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